

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06017**, from R-2 Residential District, O-2 Suburban Office District and H-2 Highway Business District to B-3 Commercial District, requested by the Director of the Urban Development Department, on property generally located southwest of the intersection of South 48th Street and "O" Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/12/06
Administrative Action: 04/12/06

RECOMMENDATION: Approval (9-0: Strand, Sunderman, Larson, Carroll, Krieser, Cornelius, Taylor, Esseks and Carlson voting 'yes').

FINDINGS OF FACT:

1. This is a request for change of zone from R-2 Residential, O-2 Suburban Office and H-2 Highway Business to B-3 Commercial and is associated with the recently adopted "48th & O Streets Redevelopment Plan", which calls for commercial and mixed use activities at this location. The 0' front and side yard setbacks of the B-3 district are needed to allow the site to develop consistent with the approved redevelopment site plan.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed zone change is consistent with the intent of the district, which is to provide for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. B-3 is a less intensive zoning district than H-2, and can allow uses that are more oriented towards serving the surrounding neighborhood versus the traveling public on O Street. B-3 is consistent with the recently approved redevelopment plan for this area.
3. On April 12, 2006, this application appeared on the Planning Commission Consent Agenda and were opened for public hearing. No one came forward to speak.
4. On April 12, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 17, 2006

REVIEWED BY: _____

DATE: April 17, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06017

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06017

PROPOSAL: From R-2, O-2 and H-2 to B-3

LOCATION: Southeast of the intersection of South 48th & O Streets

LAND AREA: Approximately 4.6 acres.

EXISTING ZONING: R-2 Residential, O-2 Suburban Office, H-2 Highway Business

CONCLUSION: A change to B-3 for this site is consistent with the intent of the district which is to provide for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. B-3 is a less intensive zoning district than H-2, and can allow uses that are more oriented towards serving the surrounding neighborhood versus the traveling public on O Street. B-3 is consistent with the recently approved redevelopment plan for this area.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See the attached separate legal descriptions for R-2 to B-3, O-2 to B-3, and H-2 to B-3.

EXISTING LAND USE: The long-time auto dealership and auto display area, and other retail and residential uses that existed on this site are being removed in preparation for redevelopment.

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Vacant	H-2
South:	Residential, Elementary School	R-2, P
East:	Commercial, Residential	R-2, H-2
West:	Commercial, Residential	R-2, R-5, O-2, H-2

HISTORY: January 26, 2005 - CPC#04010 was approved finding that the 48th & O Streets Redevelopment Plan was in conformance with the Comprehensive Plan.

August 23, 2004 - The City Council adopted the findings of a Blight and Substandard Determination Study and declared the 48th & O Streets area "substandard and blighted."

1979 - The zoning was changed from H-1 to H-2 with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Map designates commercial land uses for this site.

Page F49 - Guiding Principles for Existing Commercial Centers

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

ANALYSIS:

1. The Comprehensive Plan designates this site for commercial uses, and the recently approved redevelopment plan calls for “commercial and mixed use activities” on this site.
2. This request seeks to change the zoning on areas now zoned R-2, O-2 and H-2. The R-2 and O-2 are located adjacent to South 48th Street and abut the rear yard of residences to the east. The remainder of the site is zoned H-2 and is adjacent to both South 48th and O Streets, and also abuts residences at the rear.
3. The proposed change of zone from R-2 and O-2 to B-3 will result in a significantly more intensive range of uses on those tracts. The B-3 and H-2 however are similar zoning districts, with the H-2 generally characterized as the more intensive of the two. The B-3 allows a range of uses more oriented towards those serving surrounding neighborhoods, and the H-2 is more oriented towards those serving the larger community and generally located on an arterial street or highway. The notable exceptions to the similarity in allowed uses are as follows:

Uses allowed in H-2 but not in B-3

1. Wholesale Bakeries
2. Bottling Works
3. Sand, soil and gravel extraction
4. Mini-warehousing
5. Outdoor lighting for rec. facility
6. Outdoor theater
7. Plumbing contractor
8. Truck wash facility
9. Vehicle storage for sale or resale
10. Truck sales

Uses allowed in B-3 but not in H-2

1. Dwellings above 1st story
2. Dry cleaner
3. Laundrette
4. Nonprofit institutions
5. Photocopying
6. Indoor sales showrooms

4. For comparison, the setbacks in the R-2, O-2, B-3 and H-2 Per Lincoln Municipal Code (LMC) are summarized as follows:

	R-2	O-2	B-3	H-2
Front	25'	30' or same as residential district	0', or same as residential	25'
Side	5'	0' when abutting commercial district	0', or 5'* if abutting residential district	5', or 20'* when abutting residential
Rear	Smaller of 30' or 20% of lot depth	40'*	0', or 30'* if abutting residential district	Smaller of 30'* or 20% of lot depth

*When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards.

5. The residences on the southeast portion of the block are most impacted by the rear setback of the adjacent zoning districts. Of the four districts, the O-2 has the largest rear setback at 40'. Under B-3, a 30' rear setback is required along the entire R-2 district boundary. Design Standards require a 60% screen up to 10' in height along the entire boundary in the O-2, B-3 or H-2 when abutting residential.
6. The proposed change from H-2 to B-3 should not significantly impact the residences on the block, and may actually serve to benefit them due the decreased intensity of uses allowed. The most significant impact is the change from R-2 and O-2 along South 48th Street. B-3 represents a decreased setback compared to O-2, and allows a more intense range of uses.
7. The site plan approved as part of the redevelopment agreement (site plan and building elevations are attached) for the area shows an access drive from M Street to the H-2 area across the R-2 and O-2 tracts, and there are no commercial buildings shown on them. Typically, once the zoning is changed any lawful use could be established on those tracts provided it complies with the applicable requirements of LMC. In this case, the redevelopment agreement contains additional limitations. Those limitations are contained in Section 306 'Use Restrictions of the Property' from the approved redevelopment agreement which lists the additional restrictions. A copy of Section 306 is attached.
8. It is noted that the south end of the driveway that crosses the R-2 and O-2 is moved as far east as possible to maintain proper separation from South 48th Street. Because this moves the drive closer to the residences to the east, it is important that the property line be screened to mitigate the impact of commercial vehicle traffic. The redevelopment agreement designates the area where the M Street access drive is to be located as an outlot. Outlots are reserved for open space and common facilities and cannot be developed unless platted as typical lots.

Prepared by:
Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
March 28, 2006

**APPLICANT/
CONTACT:**

Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.474.6311

OWNER:

City of Lincoln
c/o Wynn Hjermstad
555 South 10th Street
Lincoln, NE 68508
402.441.7982

CHANGE OF ZONE NO. 06017

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 12, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: ***CHANGE OF ZONE NO. 06017, SPECIAL PERMIT NO. 1866B, SPECIAL PERMIT NO. 06019, COUNTY SPECIAL PERMIT NO. 06020, SPECIAL PERMIT NO. 06022 and STREET AND ALLEY VACATION NO. 05010.***

Ex Parte Communications: None.

Item No. 1.3, Special Permit No. 06019; Item No. 1.4, County Special Permit No. 06020; and Item No. 1.5, Special Permit No. 06022, were removed from the Consent Agenda and had separate public hearings.

Taylor moved to approve the remaining Consent Agenda, seconded by Strand and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1866B, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2005 aerial

Change of Zone #06017 S. 48th St & O St

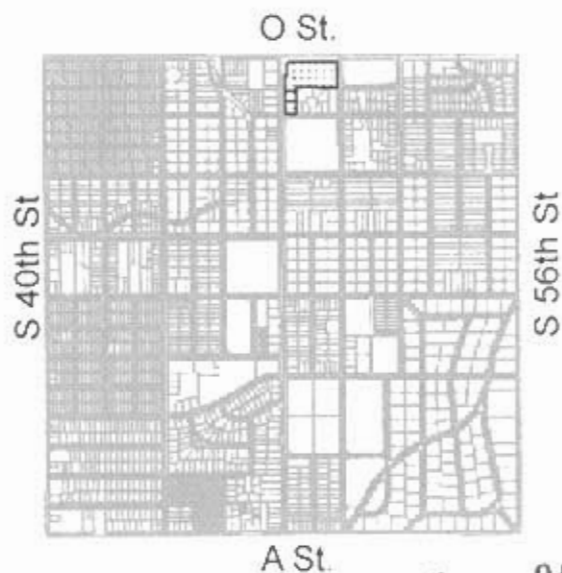
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-6	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 29 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



RECEIVED
MAR 8 2005
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



**LEGAL DESCRIPTION
CHANGE OF ZONE
O2 TO B3**

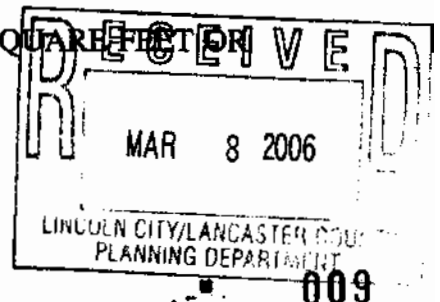
A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOT 4, LEMINGS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF A PORTION OF THE REMAINING PORTION OF SAID LOT 4, SAID POINT BEING LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET WITH THE NORTH RIGHT-OF-WAY LINE OF 'M' STREET, SAID POINT BEING 25 FEET NORTH OF THE ORIGINAL SOUTHWEST CORNER OF SAID LOT 4; THENCE, NORTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, A DISTANCE OF 73.49 FEET TO THE SOUTH CORNER OF A PARCEL OF LAND AS REFERRED TO IN BOOK 628, PAGE 187, RECORDS OF LANCASTER COUNTY; THENCE NORTH 02 DEGREES 30 MINUTES 44 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 34.89 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 628, PAGE 187; THENCE NORTH 02 DEGREES 30 MINUTES 37 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 29.68 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 02 DEGREES 30 MINUTES 37 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 90.83 FEET TO A POINT THAT IS 40.3 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 02 DEGREES 36 MINUTES 49 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 29.29 FEET TO THE NORTH LINE OF THE SOUTH 283 FEET OF THE WEST 135 FEET OF THE REMAINING PORTION OF SAID LOT 4, LEMING'S SUBDIVISION; THENCE SOUTH 89 DEGREES 58 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTH 283 FEET OF SAID LOT 4, A DISTANCE OF 126.27 FEET TO THE WEST LINE OF ALLES REPLAT; THENCE SOUTH 00 DEGREES 10 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID ALLES REPLAT, A DISTANCE OF 120.00 FEET TO THE NORTH LINE OF THE SOUTH 163 FEET OF THE WEST 135 FEET OF THE REMAINING PORTION OF SAID LOT 4, LEMING'S SUBDIVISION; THENCE NORTH 89 DEGREES 58 MINUTES 46 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTH 163 FEET OF SAID LOT 4, A DISTANCE OF 131.97 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 15,497 SQUARE FEET OR 0.36 ACRES, MORE OR LESS.

8 March 2006

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**LEGAL DESCRIPTION
CHANGE OF ZONE
R2 TO B3**

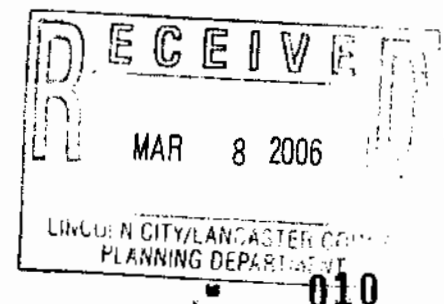
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SAID TRACT CONTAINS A CALCULATED AREA OF 18,532 SQUARE FEET OR 0.43 ACRES, MORE OR LESS.

8 March 2006

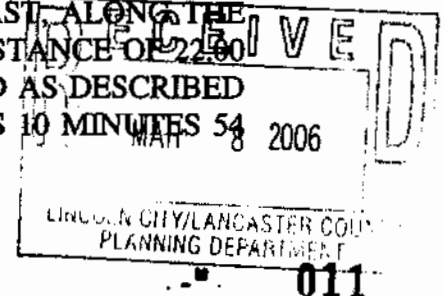
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**LEGAL DESCRIPTION
CHANGE OF ZONE
H2 TO B3**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOT 4, LEMINGS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF A PORTION OF THE REMAINING PORTION OF SAID LOT 4, SAID POINT BEING LOCATED AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET WITH THE NORTH RIGHT-OF-WAY LINE OF 'M' STREET, SAID POINT BEING 25 FEET NORTH OF THE ORIGINAL SOUTHWEST CORNER OF SAID LOT 4; THENCE, NORTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, A DISTANCE OF 73.49 FEET TO THE SOUTH CORNER OF A PARCEL OF LAND AS REFERRED TO IN BOOK 628, PAGE 187, RECORDS OF LANCASTER COUNTY; THENCE NORTH 02 DEGREES 30 MINUTES 44 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 34.89 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 628, PAGE 187; THENCE NORTH 02 DEGREES 30 MINUTES 37 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 120.51 FEET TO A POINT THAT IS 40.3 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 02 DEGREES 36 MINUTES 49 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 29.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING, NORTH 02 DEGREES 36 MINUTES 49 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 21.11 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 82, PAGE 30; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 02 DEGREES 42 MINUTES 29 SECONDS, A RADIUS OF 307.00 FEET, AN ARC LENGTH OF 14.51 FEET, A CHORD BEARING OF NORTH 01 DEGREES 10 MINUTES 20 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, AND A CHORD LENGTH OF 14.51 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS REFERRED TO IN SAID BOOK 82, PAGE 30; THENCE NORTH 00 DEGREES 10 MINUTES 54 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 130.34 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN INST. NO. 2004-30482, RECORDS OF LANCASTER COUNTY; THENCE NORTH 89 DEGREES 49 MINUTES 06 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, A DISTANCE OF 22.50 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE NORTH 00 DEGREES 10 MINUTES 54

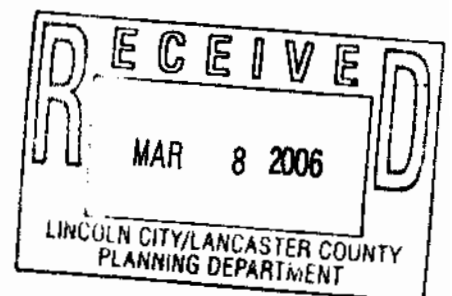


SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 120.30 FEET TO AN EAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE NORTH 44 DEGREES 23 MINUTES 48 SECONDS EAST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH 48TH STREET, A DISTANCE OF 34.77 FEET TO A SOUTH CORNER OF A PARCEL OF LAND AS DESCRIBED IN SAID INST. NO. 2004-30482; THENCE SOUTH 89 DEGREES 50 MINUTES 51 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF 'O' STREET, A DISTANCE OF 542.61 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 50TH STREET; THENCE SOUTH 00 DEGREES 10 MINUTES 57 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 283.55 FEET TO AN INTERSECTION WITH THE EXTENSION OF THE NORTH LINE OF ALLES REPLAT; THENCE NORTH 89 DEGREES 14 MINUTES 17 SECONDS WEST, ALONG THE EXTENSION OF THE NORTH LINE OF ALLES REPLAT AND ALONG THE NORTH LINE OF ALLES REPLAT, A DISTANCE OF 464.17 TO THE NORTHWEST CORNER OF LOT 5, OF SAID ALLES REPLAT; THENCE SOUTH 00 DEGREES 10 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID ALLES REPLAT, A DISTANCE OF 32.37 FEET TO THE NORTH LINE OF THE SOUTH 283 FEET OF THE WEST 135 FEET OF THE REMAINING PORTION OF SAID LOT 4, LEMING'S SUBDIVISION; THENCE NORTH 89 DEGREES 58 MINUTES 46 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTH 283 FEET OF SAID LOT 4, A DISTANCE OF 126.27 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 165,833 SQUARE FEET OR 3.81 ACRES, MORE OR LESS.

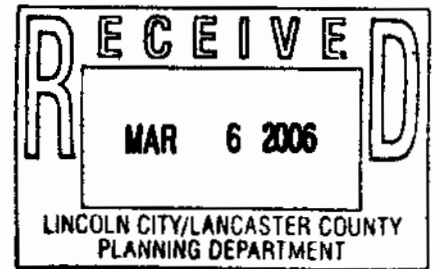
8 March 2006

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OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS



March 6, 2006

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: 48th & O Street Re-Development
Change of Zone
OA Project No. 2005-0235

Dear Mr. Krout:

On behalf of the Developers, Village Development, Runza National and West Gate Bank, we are submitting a Change of Zone to B-3 on a portion of the remaining portion of Lot 4, Lemings Subdivision, and a portion of Lot 3 and Lot 4, Alles Replat, of part of Lot 4, Lemings Subdivision; located in the Northeast quarter of Section 29, Township 10 North, Range 7 East of the 6th p.m., City of Lincoln, Lancaster County, Nebraska.

Enclosed please find the following for the above-mentioned project:

1. Application for a Change of Zone (H-2, O-2, R-2 to B-3)
2. Change of Zone fee (\$740)
3. Zone Change Legal Descriptions (not included)

The change of zone is being requested in accordance with the approved site plan for the re-development plan that was approved by the City Council. The request for the Use Permit and B-2 zone change on this property is hereby being rescinded.

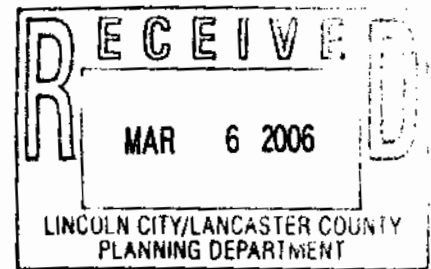
We look forward to working with you on this project. If you have any questions or need any additional information, please feel free to call me at 458-5914 or Jennifer Strand at 437-8522.

Sincerely,



Tim Gergen, PE

Mr. Marvin Krout
March 6, 2006
Page 2



Enclosures

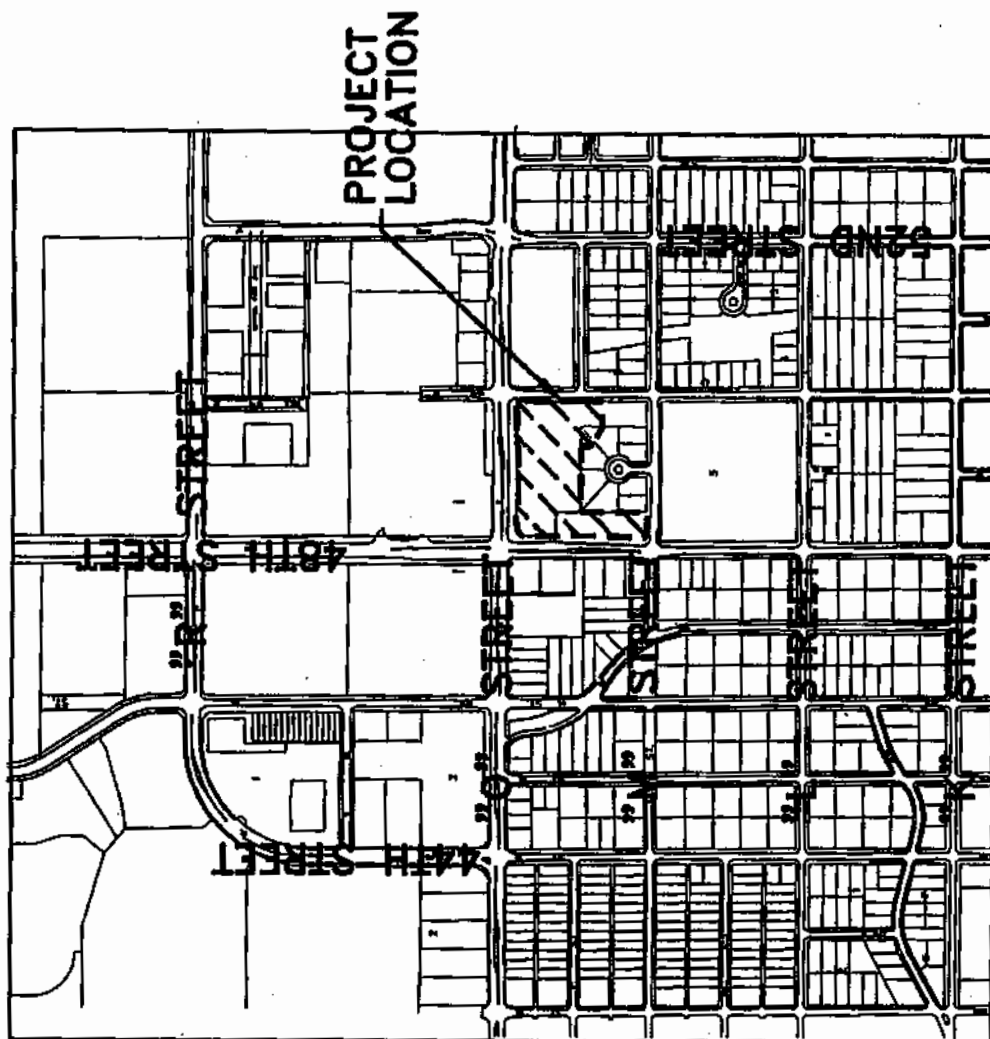
cc: Tam Allan, Village Development
Donald Everett, Runza National
Carl Sjulín, West Gate Bank
Jennifer Strand, Woods & Aitken
Wynn Hjermstad, Urban Development Department
Joel Pedersen, City Attorney's Office

(EXCERPT FROM REDEVELOPMENT AGREEMENT)

change in the scope of the Project regardless of fault. Notwithstanding the foregoing, in the event that Redeveloper is unable through no fault of the Redeveloper to obtain the necessary governmental approvals and permits from the City prior to Closing necessary to construct the Private Improvements as reflected on the Approved Plans, Redeveloper may terminate this Agreement by delivering written notice to the City of default pursuant to Section 701 including the opportunity to cure the same.

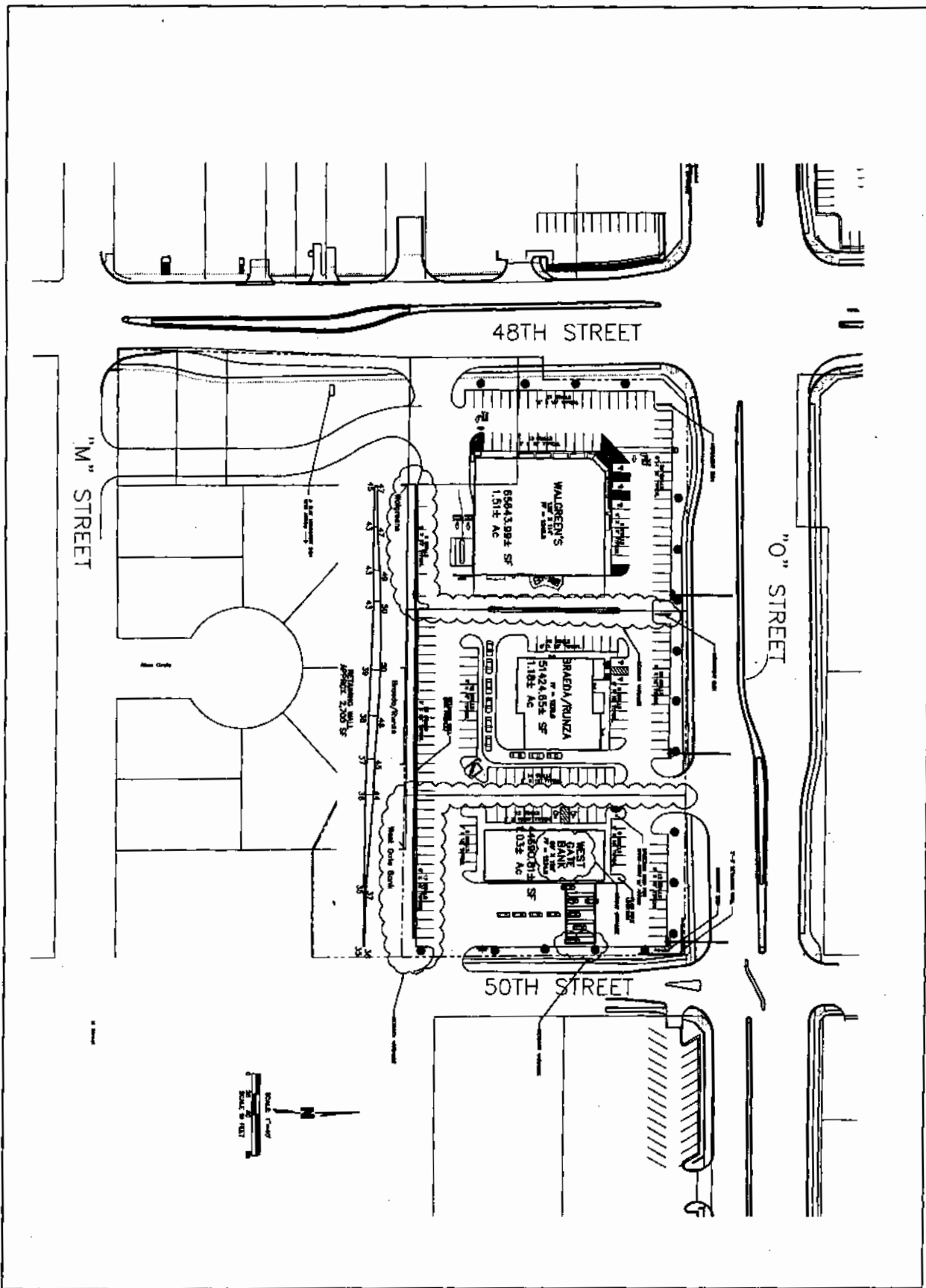
Section 306. Use and Restrictions of the Property Redeveloper's intended use of the Project Site as reflected on the Approved Plans does comply with the Redevelopment Plan and any applicable zoning and local ordinances. The Redeveloper hereby represents and agrees that neither all or any portion of the Project Site shall be used, directly or indirectly, for the operation of 1) any outdoor off-premise advertising specifically including billboards, signboards and related structures and appurtenances, except temporary signs advertising such lot is for sale or lease by the owner thereof; 2) a gas station or convenience store with or without gasoline pumps; 3) any business whose predominant operation is the retail sale of alcoholic beverages (predominant shall mean retail gross sales of alcoholic beverages, including mixed drinks, in excess of 50% of gross sales on the premises) or any such business that has an unreasonable pattern of unlawful disturbances or liquor law violations; 4) any business whose predominant operation is the retail sale of tobacco products (predominant shall mean retail gross sales of tobacco products, including mixed products, in excess of 50% of gross sales on the premises) or any such business that has an unreasonable pattern of unlawful disturbances or tobacco law violations; 5) any business operated or held out to the public as a sexually oriented business including any business in sexually oriented entertainment or materials such as any: sexually oriented show, movie, picture, exhibition, performance, demonstration, film, video, book, or other depictions of a sexually explicit nature; sexually oriented live entertainment or exotic dance; exotic lingerie; sex toys or sexually oriented paraphernalia; sexually oriented telecommunication, internet or similar service; sexually oriented massage parlor; or escort service; 6) any business whose predominant operation is the use, storage or processing of hazardous or potentially hazardous materials as defined under applicable law, including any service station, salvage or recycling operation, car wash, dry cleaning, vehicle body repair, paint, refinishing, or parts and equipment cleaning business; provided nothing herein shall be construed to prohibit dry cleaning pickup facility; 7) any business involving gambling or wagering even if otherwise permitted by law including keno, bingo, slot machines, video lottery machines, casino games, or off-site pari-mutuel wagering sites, but excluding the retail sale of lottery tickets as permitted by applicable law; 8) any business whose predominant operation is warehousing or storage of goods, materials or merchandise; 9) any business involving a residential use, sale or display of weapons, self service laundry, industrial manufacturing, off-site outdoor advertising on the premises, cell tower, radio telecommunication or other communication tower, illegal activities, or sale of any illegal goods or products. The foregoing restriction shall not prohibit the installation and operation of satellite dishes and related equipment used in connection with the permitted use of the Project Site.

It is intended that each of the restrictions set forth herein shall run with the land and shall bind every person having any fee or other interest in the Project Site and shall inure to the benefit of the parties hereto and their successors and permitted assigns. The use restrictions set forth in this Section shall survive Closing. At Closing, the Redeveloper shall record permanent covenants against



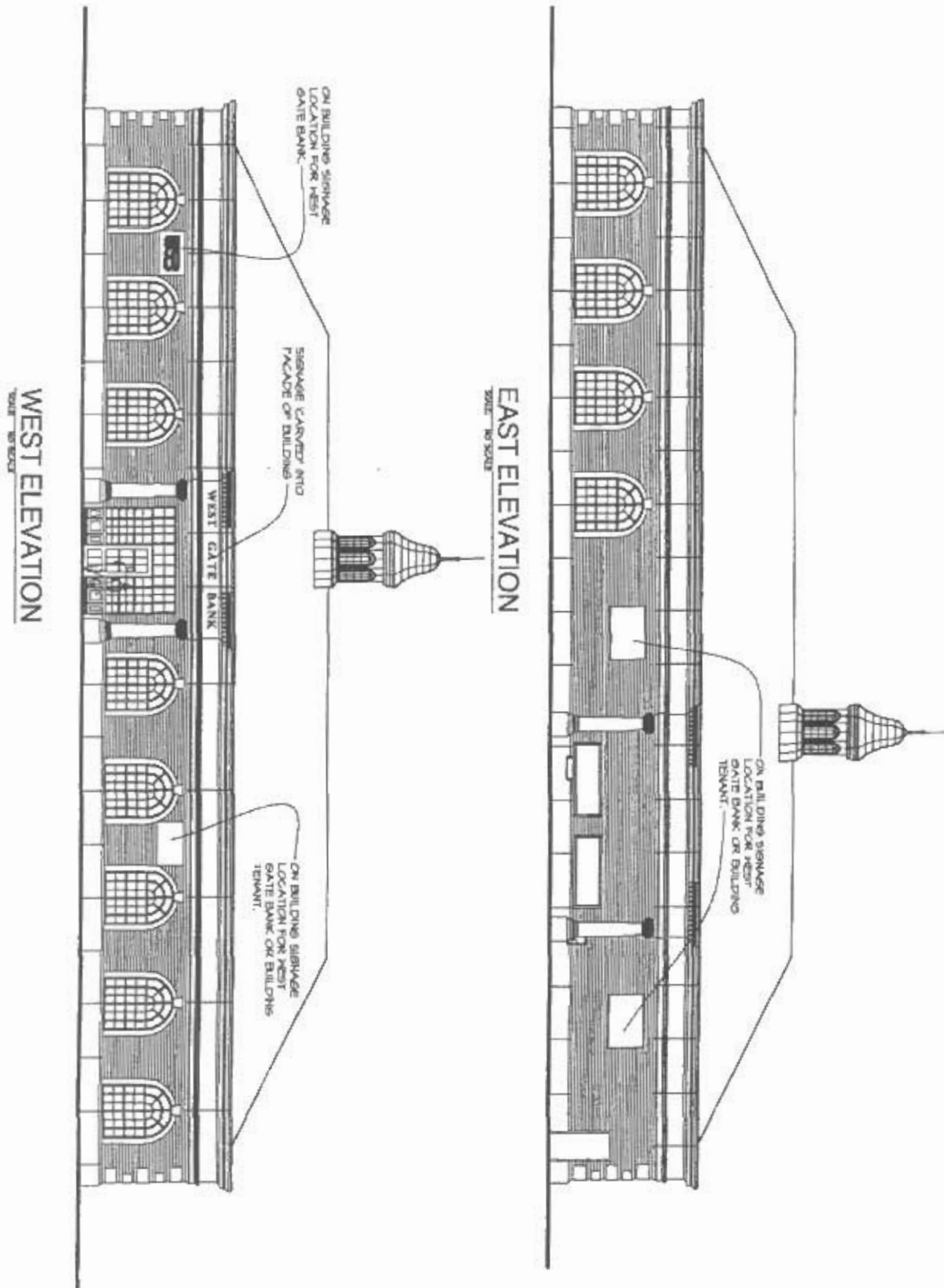
VICINITY MAP
NOT TO SCALE





SHEET 1 OF 2	SOUTH SIDE CONCEPT		2005	REVISIONS	OLSSON ASSOCIATES ENGINEERS • PLANNERS • ARCHITECTS • INTERIORS <small>THE OFFICE AND A SPECIAL DESIGN GROUP • 1000 JEFFERSON • SUITE 200 • LINCOLN, NE 68502-4400</small> PHONE: 402.441.1111 FAX: 402.441.1112
	48th AND "O" STREET				
	LINCOLN, NE				
	PREPARED BY: [blank] CHECKED BY: [blank] DATE: 12/17/04				

Exhibit B

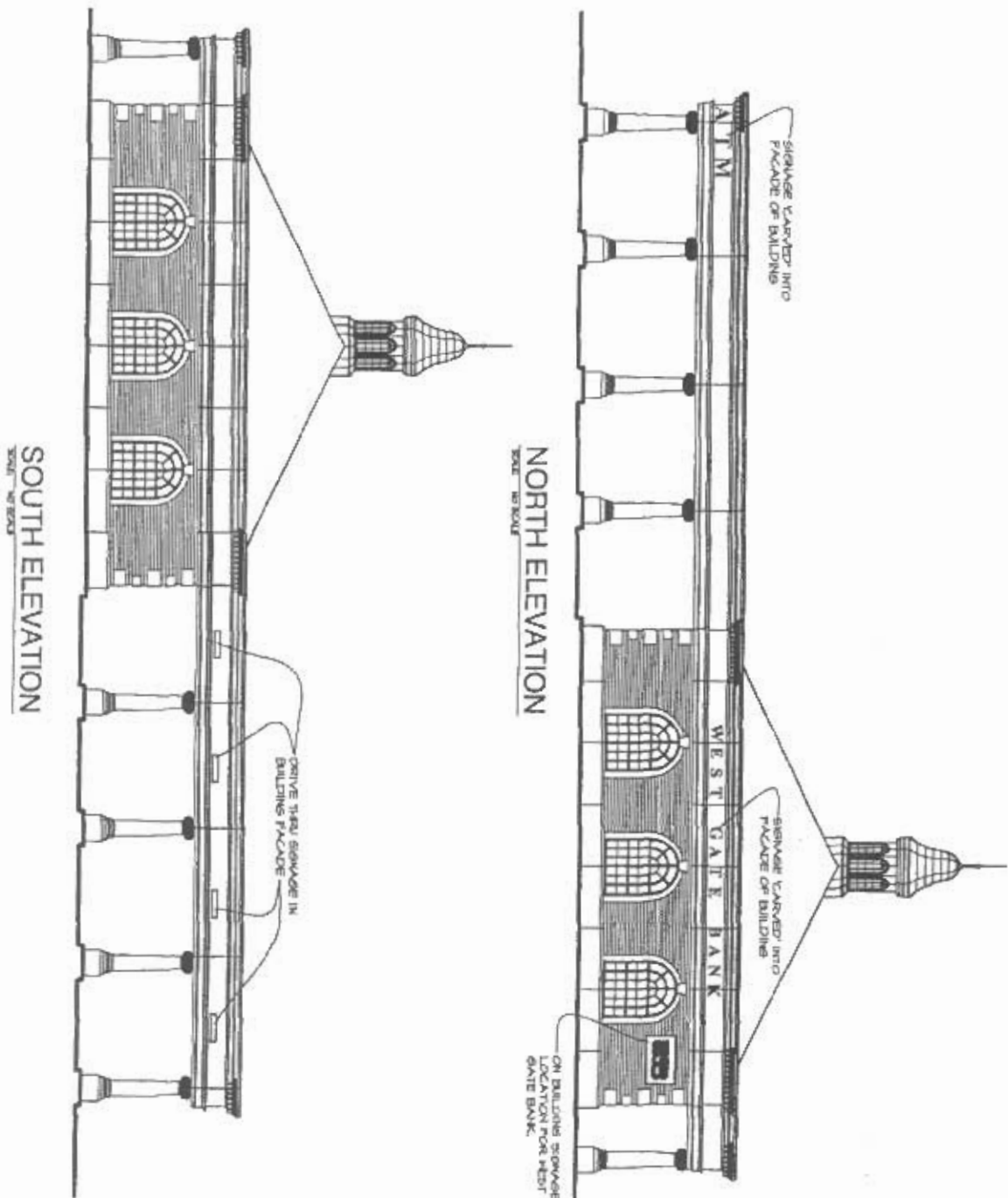


018

West Gate Bank 48th & 'O'
EXTERIOR ELEVATIONS W/ SIGNAGE

DAVIS
DESIGN
ARCHITECTS

North Pole
121 North 1st Street
North Pole, AK 99705
Phone (907) 551-0100
Fax (907) 551-0100
10/01/04
400 S. 1st St. 3
Suite 100
North Pole, AK 99705
Phone (907) 551-0100
Fax (907) 551-0100



019

West Gate Bank 48th & 'O'
EXTERIOR ELEVATIONS w/ SIGNAGE

DAVIS
DESIGN
INCORPORATED

Local Phone
87 West Gate Bank
48th & 'O'
Phone: (505) 861-0000
Fax: (505) 861-0001

Office
4101 S. 14th, Ste. 1
Orem, Utah 84057
Phone: (801) 224-0000
Fax: (801) 224-0001

Fax
201 North Main Street
Lancaster, PA 17601
Phone: (717) 499-0001
Fax: (717) 499-0001

STANDING SEAM METAL ROOF
COLOR: FOREST GREEN

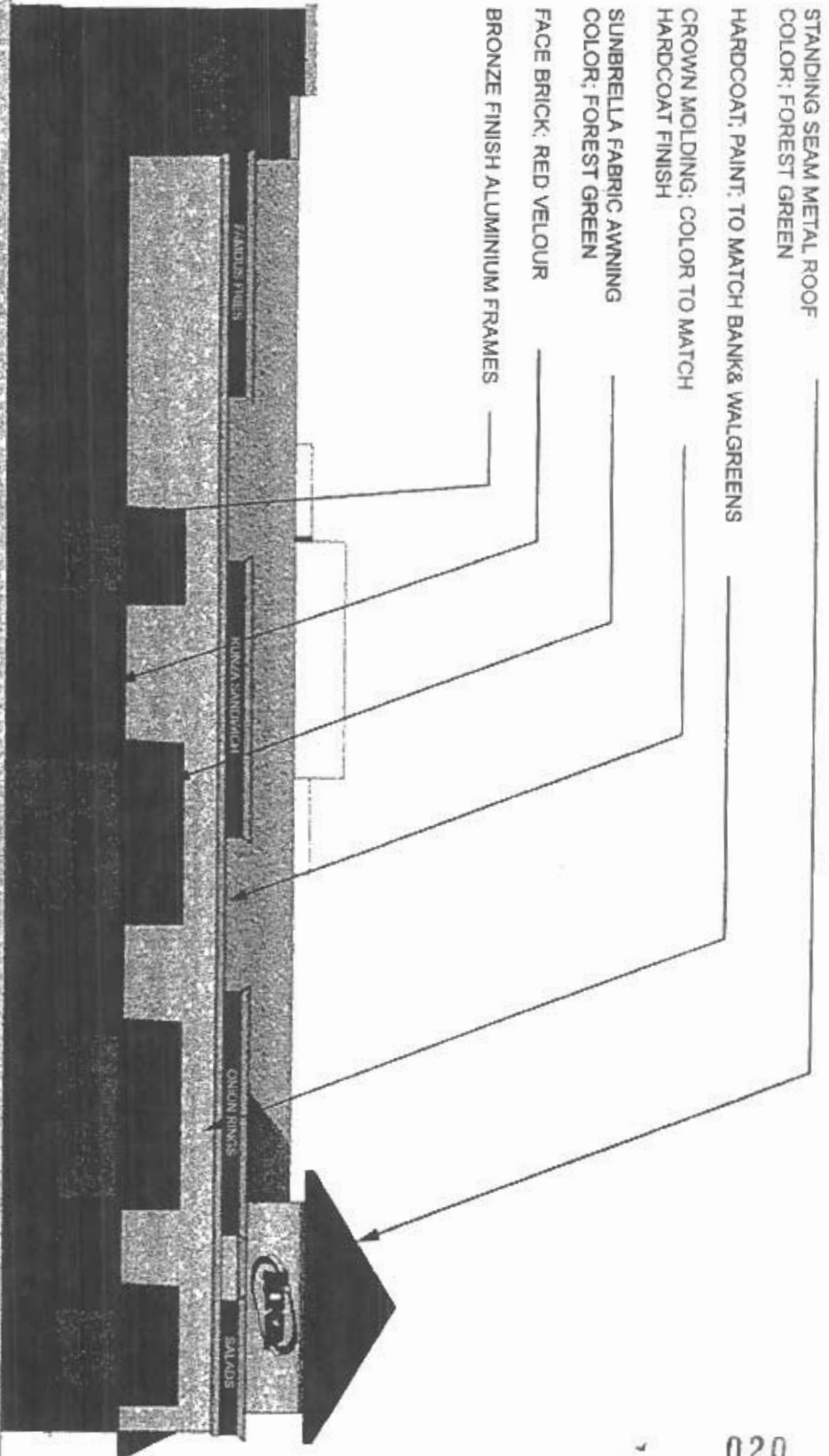
HARDCOAT, PAINT: TO MATCH BANK & WALGREENS

CROWN MOLDING: COLOR TO MATCH
HARDCOAT FINISH

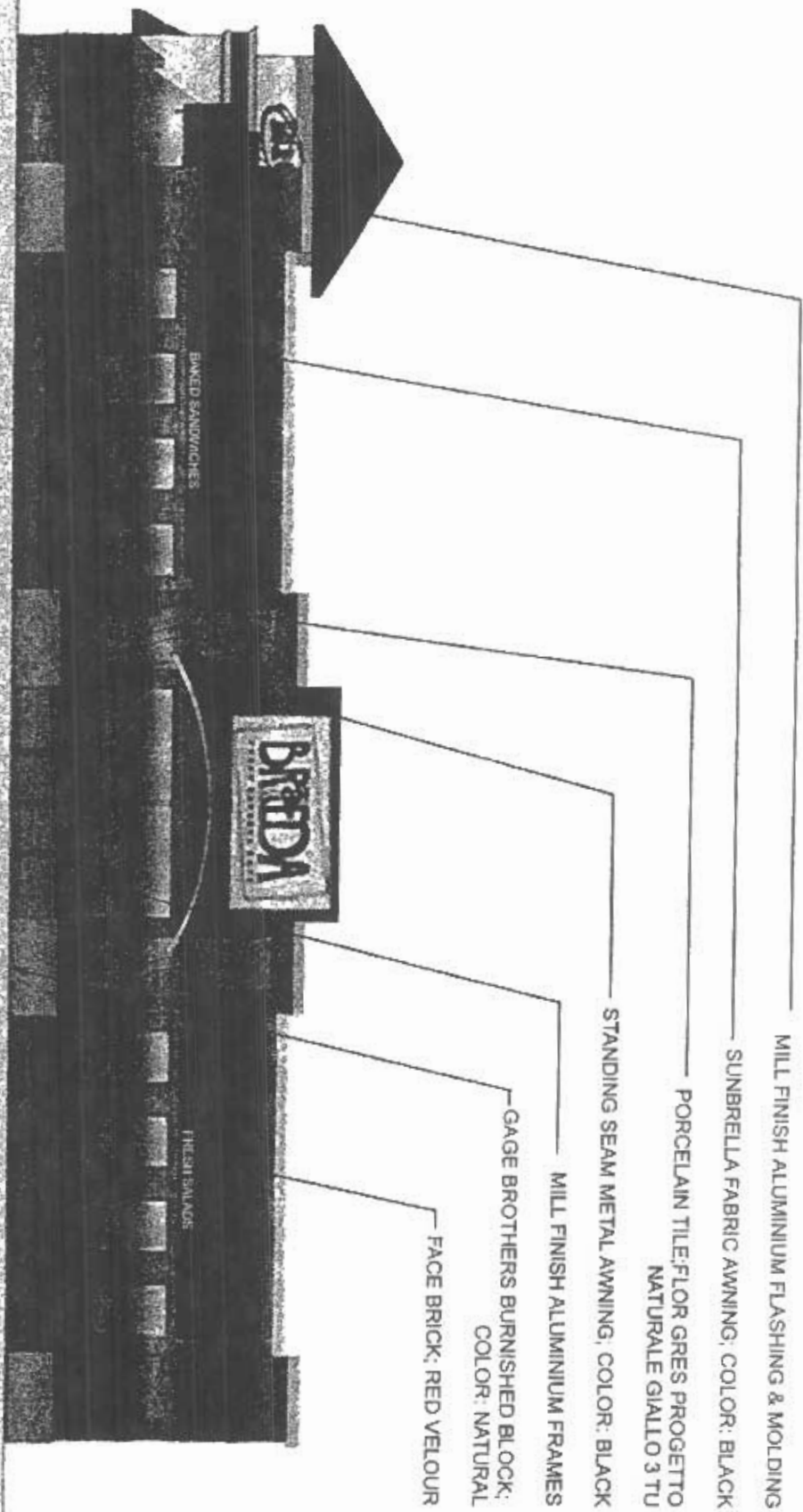
SUNBRELLA FABRIC AWNING
COLOR: FOREST GREEN

FACE BRICK: RED VELOUR

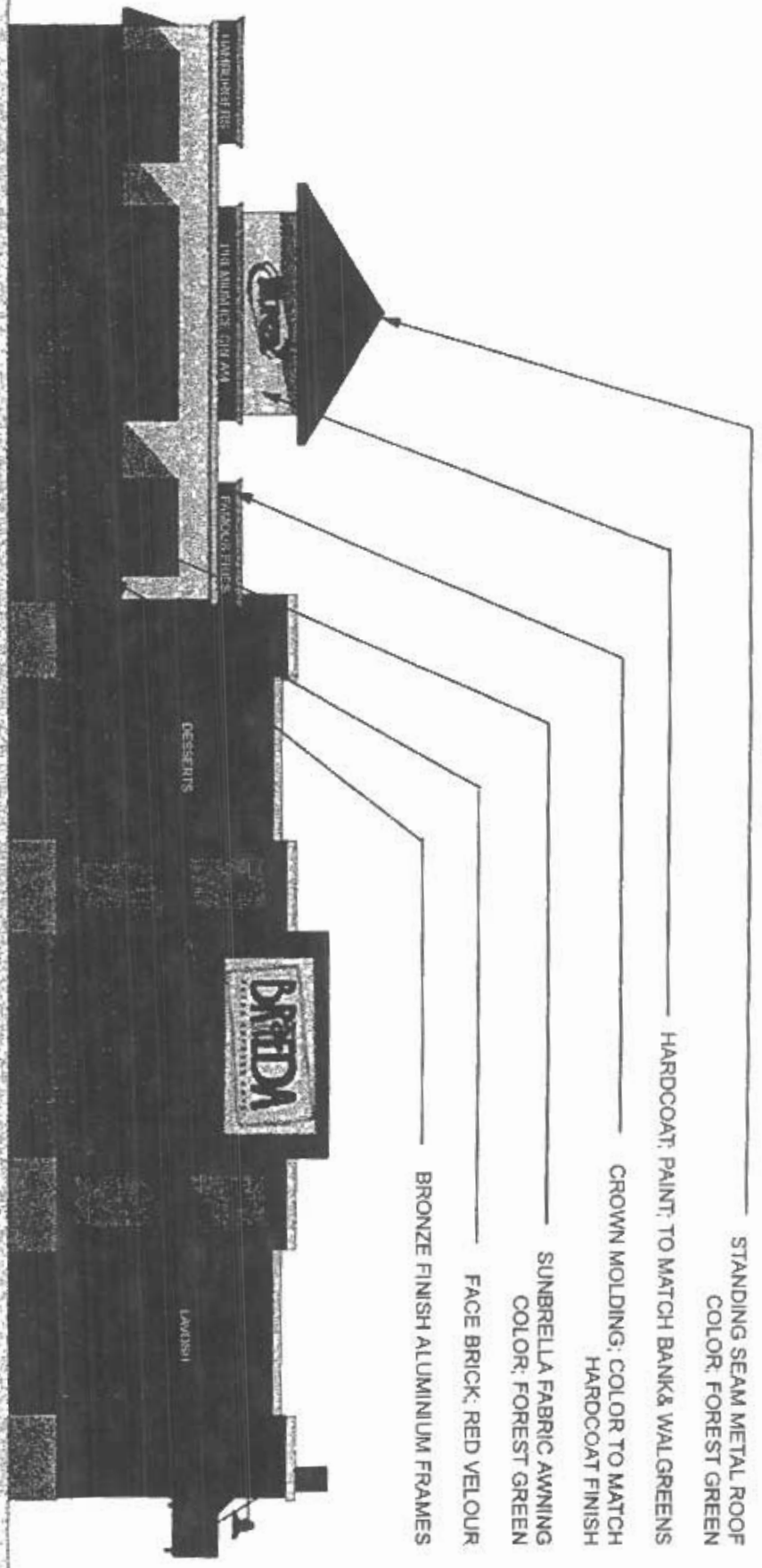
BRONZE FINISH ALUMINIUM FRAMES



LOOKING WEST 48 TH & O RUNZA / BRAEDA



LOOKING EAST 48 TH & O RUNZA/ BRAEDA



STANDING SEAM METAL ROOF
COLOR: FOREST GREEN

HARDCOAT, PAINT, TO MATCH BANKS, WAL GREENS

CROWN MOLDING: COLOR TO MATCH
HARDCOAT FINISH

SUNBRELLA FABRIC AWNING
COLOR: FOREST GREEN

FACE BRICK: RED VELOUR

BRONZE FINISH ALUMINIUM FRAMES

DESERTS

LANDSCAPE

BRAEDA
RESTAURANT

LANDSCAPE FINISH

FINISH BRICK: RED VELOUR

FACE BRICK: RED VELOUR

DESERTS

LANDSCAPE

LANDSCAPE

LANDSCAPE

LANDSCAPE

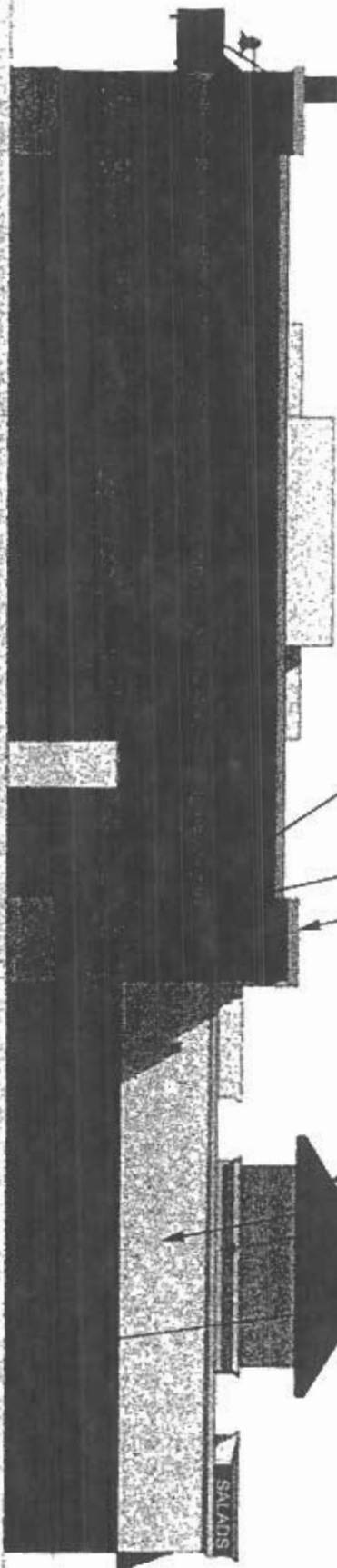
LOOKING SOUTH 48 TH & O RUNZA/ BRAEDA

MILL FINISH ALUMINIUM FLASHING & MOLDING
 GAGE BROTHERS BURNISHED BLOCK;
 COLOR: NATURAL
 FACE BRICK: RED VELOUR

STANDING SEAM METAL ROOF
 COLOR: FOREST GREEN

HARDCOAT
 PAINT: TO MATCH BANK & WALGREENS
 CROWN MOLDING: COLOR TO MATCH
 HARDCOAT FINISH

FACE BRICK: RED VELOUR



LOOKING NORTH 48 TH & O RUNZA/ BRAEDA

Walgreens

10000 W. 10th Ave. Suite 100
Denver, CO 80202
Tel: 303.733.1000
Fax: 303.733.1001

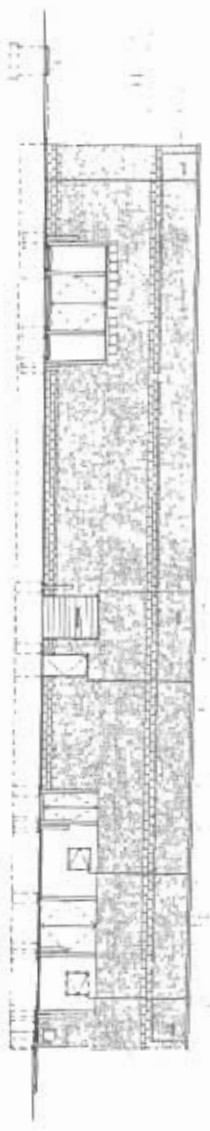
PROJECT / FLOOR

☐ New Construction
☐ Renovation
☐ Addition
☐ Other

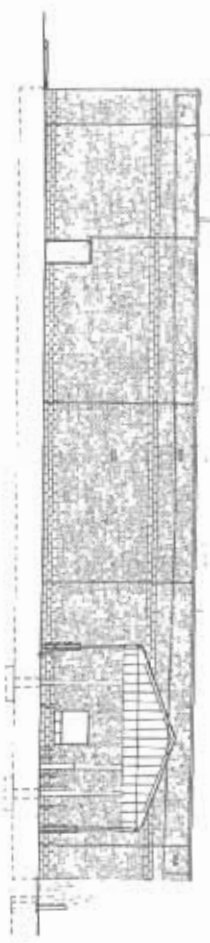
NO. 10000 W. 10th Ave. Suite 100
DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100

DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100

DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100



East Elevation



South Elevation

DAVIS

10000 W. 10th Ave. Suite 100
Denver, CO 80202
Tel: 303.733.1000
Fax: 303.733.1001

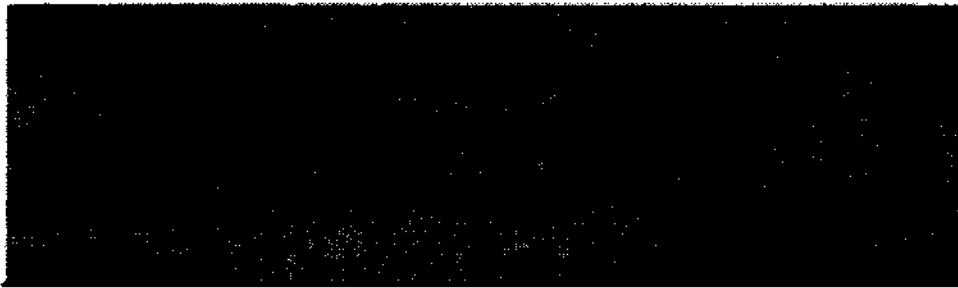
PROJECT / FLOOR

☐ New Construction
☐ Renovation
☐ Addition
☐ Other

NO. 10000 W. 10th Ave. Suite 100
DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100

DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100

DATE 10/1/00
PROJECT 10000 W. 10th Ave. Suite 100



Status of Review: No Rev Req

Reviewed By Law Department

NCSBJW

Comments:

Status of Review: No Rev Req

Reviewed By Lincoln Electric System

NCSBJW

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Complete

Reviewed By Public Works - Development Services

03/09/2006 1:28:21 PM

SIETDQ

Comments: Memorandum□□

To:□Brian Will, Planning Department

From:□Dennis Bartels, Engineering Services

Subject:□South 48th and "O" Redevelopment - Change of Zone #06017

Date:□March 9, 2006

cc:□Randy Hoskins

Roger Figard

□

Engineering Services has reviewed the change of zone to B3 for the southeast corner of 48th and "O" and has no objection. I observe, however, that it seems ironic that the applicant references an "approved site plan." Since the plan did not meet zoning requirements and could not be built, how can it be an "approved site plan?" It is poor policy to determine a site plan then research the zoning code to find a zoning category under which it can be built.

Status of Review: No Rev Req

Reviewed By Public Works - Long Range Planning

NCSBJW

Comments:

Status of Review: Complete

03/30/2006 9:01:21 AM

Reviewed By Public Works - Watershed Management

NCSBJW

Comments: Brian

Watershed Management has no comments on this change of zone request. thanks

Ben Higgins
Watershed Management
City of Lincoln Public Works
441-7589

Status of Review: Complete

03/30/2006 9:03:46 AM

Reviewed By Urban Development

NCSBJW

Comments: Brian:

This is in response to the S 48th St & O St Redevelopment, Change of Zone (PUD) # CZ06017. The Urban Development Department supports the change of zone. It is consistent with the 48th & O redevelopment plan and agreement. If you have any additional questions or concerns, don't hesitate to contact me. Thanks.

Bradd Schmeichel (441-7856)
Urban Development Dept

Status of Review: Complete

03/30/2006 9:03:46 AM

Reviewed By Urban Development

NCSBJW

Comments: Brian:

This is in response to the S 48th St & O St Redevelopment, Change of Zone (PUD) # CZ06017. The Urban Development Department supports the change of zone. It is consistent with the 48th & O redevelopment plan and agreement. If you have any additional questions or concerns, don't hesitate to contact me. Thanks.

Bradd Schmeichel (441-7856)
Urban Development Dept
